



1647 \$
PATENT

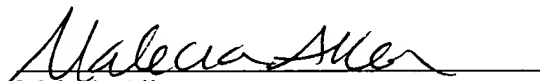
Attorney Docket No. MERCK-2056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Hartmann *et al.*
SERIAL NO.: 09/708,506 GROUP NO.: 1647
FILING DATE: November 9, 2000 EXAMINER: DeBerry, Regina M.
TITLE: ERYTHROPOIETIN FORMS WITH IMPROVED PROPERTIES

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31st day of October, 2003.

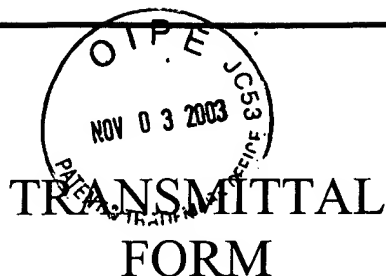

Malecia Allen

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

1. Transmittal Form (1 page);
2. Fee Transmittal Form (1 page);
3. Information Disclosure Statement (2 pages);
4. Form PTO-1449 (19 pages);
5. Copies of cited references A1-A66, B1-B95, and C1-C181;
6. A check in the amount of \$180.00; and
7. A return receipt postcard.



Application Serial Number	09/708,506
Filing Date	November 9, 2000
First Named Inventor	Hartmann
Group Art Unit	1647
Examiner Name	DeBerry, Regina M.
Attorney Docket No.	MERCK-2056
Patent No.	Not applicable
Issue Date	Not applicable

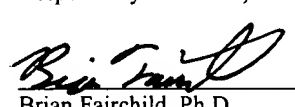
ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] <input type="checkbox"/> Petition for Extension of Time <input checked="" type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Form PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations (A1-A66, B1-B95, and C1-C181) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application <input type="checkbox"/> Formal Drawing(s) <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> CD(s) for large table or computer program <input type="checkbox"/> Amendment After Allowance <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <input type="checkbox"/> Appeal Brief (in triplicate) <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mail <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input type="checkbox"/> Additional Enclosure(s) (please identify below)
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CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

 Date: October 31, 2003
 Reg. No. 48,645
 Tel. No.: (617) 248-7697
 Fax No.: (617) 248-7100
 Brian Fairchild, Ph.D.
 Agent for Applicants
 Testa, Hurwitz & Thibault, LLP
 High Street Tower
 125 High Street
 Boston, MA 02110

FEE TRANSMITTAL **FY 2004**

Complete if Known

Application Serial Number	09/708,506
Filing Date	November 9, 2000
First Named Inventor	Hartmann
Group Art Unit	1647
Examiner Name	DeBerry, Regina M.
Attorney Docket No.	MERCK-2056

METHOD OF PAYMENT

- ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
- ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
- ☐ Applicant claims small entity status.

FEE CALCULATION

1. FILING FEE

Large Entity

Fee (\$)	Fee Description	Fee Paid
770	Utility filing fee	
340	Design filing fee	
160	Provisional filing fee	

Number Filed	Number Extra	Rate	Amount
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Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$ 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
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Total - = x \$ 18.00 =

Indep. - = x \$ 86.00 =

☐ First Presentation of Multiple Dep. Claim + \$290.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$ 0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
110	55	Extension for reply within first month	
420	210	Extension for reply within second month	
950	475	Extension for reply within third month	
1480	740	Extension for reply within fourth month	
2010	1005	Extension for reply within fifth month	
330	165	Notice of Appeal	
330	165	Filing a brief in support of an appeal	
290	145	Request for oral hearing	
130	130	Petitions to the Commissioner	
180	180	Submission of Information Disclosure Statement	180.00
770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
770	385	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
110	55	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$ 180.00

SUBTOTAL (1) 0.00

SUBTOTAL (2) 0.00

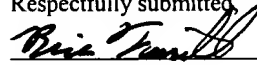
SUBTOTAL (3) 180.00

TOTAL (\$ 180.00

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High Street Tower-125 High Street
Boston, MA 02110



PATENT
Attorney Docket No. MERCK-2056

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Hartmann *et al.* CONF. NO.: 2626
SERIAL NO.: 09/708,506 GROUP NO.: 1647
FILING DATE: November 9, 2000 EXAMINER: DeBerry, Regina M.
TITLE: Erythropoietin Forms with Improved Properties

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

11/04/2003 SSANDARA 00000048 09708506 180.00 DP
01 FC:1806

- ☐ (3) after the mailing date of a **final action** or **notice of allowance** but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

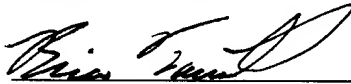
Applicants believe no additional fee is due for consideration of this submission. Nevertheless, if such a fee is required, please debit account 20-0531.

Date: October 31, 2003
Reg. No. 48,645

Tel. No.: (617) 248-7697
Fax No.: (617) 248-7100

2674340-1

Respectfully submitted,



Brian Fairchild, Ph.D.
Agent for Applicants
Testa, Hurwitz, & Thibault, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

FORM PTO - 1449

INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: MERCK-2056

APPLICANTS: Hartmann *et al.*

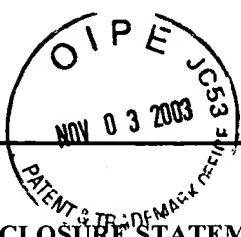
SERIAL NO.: 09/708,506

CONF. NO.: 2626

FILING DATE: November 9, 2000 GROUP: 1647

U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A1	07/348,237	5/5/89	Rosenblum et al.			
	A2	4,196,265	4/1/80	Koprowski et al.			
	A3	4,469,797	9/4/84	Albarella			
	A4	4,676,980	6/30/87	Segal et al.			
	A5	4,816,567	3/28/89	Cabilly et al.			
	A6	4,946,778	8/7/90	Ladner et al.			
	A7	5,019,368	5/28/91	Epstein et al.			
	A8	5,073,627	12/17/91	Curtis et al.			
	A9	5,114,711	5/19/92	Bell et al.			
	A10	5,116,964	5/26/92	Capon et al.			
	A11	5,199,942	4/6/93	Gillis			
	A12	5,225,538	7/6/93	Capon et al.			
	A13	5,225,539	7/6/93	Winter			
	A14	5,258,498	11/2/93	Huston et al..			
	A15	5,314,995	5/24/94	Fell, Jr. et al.			
	A16	5,349,053	9/20/94	Landolfi			
	A17	5,359,035	10/25/94	Habermann			
	A18	5,514,582	5/7/96	Capon et al.			
	A19	5,538,866	7/23/96	Israeli et al.			
	A20	5,541,087	7/30/96	Lo et al.			
	A21	5,543,297	8/6/96	Cromlish, et al.			
	A22	5,552,524	09/03/96	Basinski et al.			
	A23	5,585,089	12/17/96	Queen et al.			
EXAMINER				DATE CONSIDERED			



FORM PTO - 1449

INFORMATION DISCLOSURE STATEMENT

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APPLICANTS: Hartmann *et al.*

SERIAL NO.: 09/708,506

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U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A24	5,609,846	3/11/97	Goldenberg			
	A25	5,624,821	4/29/97	Winter <i>et al.</i>			
	A26	5,639,725	6/17/97	O'Reilly <i>et al.</i>			
	A27	5,645,835	7/8/97	Fell, Jr. <i>et al.</i>			
	A28	5,650,150	7/22/97	Gillies			
	A29	5,650,492	7/22/97	Gately <i>et al.</i>			
	A30	5,667,776	9/16/97	Zimmerman <i>et al.</i>			
	A31	5,679,543	10/21/97	Lawlis			
	A32	5,691,309	11/25/97	Basinski <i>et al.</i>			
	A33	5,709,859	1/20/98	Aruffo <i>et al.</i>			
	A34	5,719,266	02/17/98	DiMarchi <i>et al.</i>			
	A35	5,723,125	3/3/98	Chang <i>et al.</i>			
	A36	5,726,044	3/10/98	Lo <i>et al.</i>			
	A37	5,728,552	3/17/98	Fujisawa <i>et al.</i>			
	A38	5,733,876	3/31/98	O'Reilly <i>et al.</i>			
	A39	5,756,461	05/26/98	Stephens			
	A40	5,759,551	6/2/98	Ladd <i>et al.</i>			
	A41	5,770,195	6/23/98	Hudziak <i>et al.</i>			
	A42	5,800,810	9/1/98	Doyle <i>et al.</i>			
	A43	5,807,715	9/15/98	Morrison <i>et al.</i>			
	A44	5,827,516	10/27/98	Urban <i>et al.</i>			
	A45	5,837,682	11/17/98	Folkman <i>et al.</i>			
	A46	5,843,423	12/1/98	Lyman <i>et al.</i>			
	A47	5,854,205	12/29/98	O'Reilly <i>et al.</i>			
	A48	5,858,347	1/12/99	Bauer <i>et al.</i>			
	A49	5,885,795	3/23/99	O'Reilly <i>et al.</i>			

EXAMINER

DATE CONSIDERED



FORM PTO - 1449

INFORMATION DISCLOSURE STATEMENT

ATTORNEY DOCKET NO.: MERCK-2056

APPLICANTS: Hartmann *et al.*

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U.S. PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A50	5,886,178	3/23/99	Allen et al.			
	A51	5,888,772	3/30/99	Okasinski et al.			
	A52	5,908,626	6/1/99	Chang et al.			
	A53	5,922,685	7/13/99	Rakhmievich et al.			
	A54	5,994,126	11/30/99	Steinman et al.			
	A55	6,080,409	6/27/00	Laus et al.			
	A56	6,086,875	7/11/00	Blumberg et al.			
	A57	6,100,387	8/8/00	Herrmann et al.			
	A58	6,169,070 B1	1/2/01	Chen et al.			
	A59	6,171,588 B1	1/9/01	Carron et al.			
	A60	6,277,375 B1	8/21/01	Ward			
	A61	6,348,192 B1	2/19/02	Chan et al.			
	A62	6,406,689 B1	6/18/02	Falkenberg et al.			
	A63	6,444,792 B1	9/3/02	Gray et al.			
	A64	5,856,298	1/5/99	Strickland			
	A65	5,688,679	11/18/97	Powell			
	A66	5,441,868	8/15/95	Lin			

FOREIGN PATENT DOCUMENTS

EXAM. INIT.		DOCUMENT NUMBER	DATE	COUNT RY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)
	B1	0 158 198 A1	10/16/85	EP					Y
	B2	0 211 769 A2	2/25/87	EP					Y
	B3	0 256 714 A2	2/24/88	EP					Y
	B4	0 294 703 A2	12/14/88	EP					Y
	B5	0 308 936 B1	3/29/89	EP					Y
	B6	0 314 317 B1	5/3/89	EP					Y

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	B7	0 318 554 B1	6/7/89	EP					Y
	B8	0 319 012 A2	6/7/89	EP					Y
	B9	0 326 120 B1	8/2/89	EP					Y
	B10	0 350 230 A2	1/10/90	EP					Y
	B11	0 375 562 B1	6/27/90	EP					Y
	B12	0 396 387 A2	11/7/90	EP					Y
	B13	0 439 095 A2	7/31/91	EP					Y
	B14	0 511 747 A1	11/4/92	EP					Y
	B15	0 601 043 B1	6/15/94	EP					Y
	B16	0 706 799 A2	4/17/96	EP					Y
	B17	0 790 309 A1	8/20/97	EP					Y
	B18	21725/88	3/23/89	AU					Y
	B19	93100115.3	7/14/93	CN					N
	B20	93100115.3	7/14/93	CN				Y	Y
	B21	37 12985 A1	11/3/88	DE					N
	B22	37 12985	11/2/88	DE				Y	Y
	B23	2 292 382 A	2/21/96	GB					Y
	B24	63-267278	11/4/88	JP					N
	B25	63-267278	11/4/88	JP				Y	Y
	B26	63-267296	11/4/88	JP					N
	B27	63-267296	11/4/88	JP				Y	Y
	B28	0 237 019 A2	9/16/87	EP				English counterpart of 63-267296 (B26)	Y
	B29	WO 86/01533	3/13/86	PCT					Y
	B30	WO 88/00052	1/14/88	PCT					Y
EXAMINER					DATE CONSIDERED				

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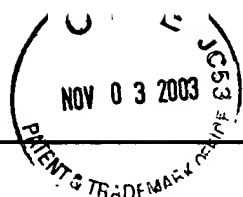
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	B31	WO 88/09344	12/1/88	PCT					Y
	B32	WO 89/02922	4/6/89	PCT					Y
	B33	WO 89/09620	10/19/89	PCT				Abstract in English	N
	B34	WO 90/03801	4/19/90	PCT					Y
	B35	WO 91/00360	1/10/91	PCT					Y
	B36	WO 91/04329	04/04/91	PCT					Y
	B37	WO 91/08298	6/13/91	PCT					Y
	B38	WO 91/13166	9/5/91	PCT					Y
	B39	WO 91/14438	10/3/91	PCT					Y
	B40	WO 92/02240	2/20/92	PCT					Y
	B41	WO 92/08495	5/29/92	PCT					Y
	B42	WO 92/08801	5/29/92	PCT					Y
	B43	WO 92/16562	10/1/92	PCT					Y
	B44	WO 93/03157	2/18/93	PCT					Y
	B45	WO 93/10229	5/27/93	PCT					Y
	B46	WO 95/05468	2/23/95	PCT					Y
	B47	WO 95/21258	8/10/95	PCT					Y
	B48	WO 95/28427	10/26/95	PCT					Y
	B49	WO 95/31483	11/23/95	PCT					Y
	B50	WO 96/04388	02/15/96	PCT					Y
	B51	WO 96/05309	2/22/96	PCT					Y
	B52	WO 96/08570	3/21/96	PCT					Y
	B53	WO 96/18412	6/20/96	PCT					Y
	B54	WO 96/31526	10/10/96	PCT					Y

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	B55	WO 97/00317	1/3/97	PCT					Y
	B56	WO 97/00319	1/3/97	PCT					Y
	B57	WO 97/15666	5/1/97	PCT					Y
	B58	WO 97/20062	6/5/97	PCT					Y
	B59	WO 97/24137	7/10/97	PCT					Y
	B60	WO 97/24440	7/10/97	PCT					Y
	B61	WO 97/26335	7/24/97	PCT					Y
	B62	WO 97/30089	8/21/97	PCT					Y
	B63	WO 97/33617	9/18/97	PCT					Y
	B64	WO 97/33619	9/18/97	PCT					Y
	B65	WO 97/34631	9/25/97	PCT					Y
	B66	WO 97/43316	11/20/97	PCT					Y
	B67	WO 98/00127	1/8/98	PCT					Y
	B68	WO 98/06752	2/19/98	PCT					Y
	B69	WO 98/28427	7/2/98	PCT					Y
	B70	WO 98/30706	7/16/98	PCT					Y
	B71	WO 98/46257	10/22/98	PCT					Y
	B72	WO 98/59244	12/30/98	PCT					Y
	B73	WO 99/02709	01/21/99	PCT					Y
	B74	WO 99/03887	01/28/99	PCT					Y
	B75	WO 99/29732	6/17/99	PCT					Y
	B76	WO 99/43713	9/2/99	PCT					Y
	B77	WO 99/52562	10/21/99	PCT					Y
	B78	WO 99/53958	10/28/99	PCT					Y
EXAMINER					DATE CONSIDERED				

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	B79	WO 99/60128	11/25/99	PCT					Y
	B80	WO 99/62944	12/09/99	PCT					Y
	B81	WO 00/11033	3/2/00	PCT					Y
	B82	WO 00/34317	06/15/00	PCT					Y
	B83	WO 00/40615	7/13/00	PCT					Y
	B84	WO 00/69913	11/23/00	PCT					Y
	B85	WO 00/78334 A1	12/28/00	PCT					Y
	B86	WO 01/07081 A1	2/1/01	PCT					Y
	B87	WO 01/10912 A1	2/15/01	PCT					Y
	B88	WO 03/015697 A2	2/27/03	PCT					Y
	B89	0 640 619 A1	3/1/95	EP					Y
	B90	0 668 353 A1	8/23/95	EP					Y
	B91	WO 94/24160	10/27/94	PCT					Y
	B92	WO 94/25055	11/10/94	PCT					Y
	B93	WO 99/66054	12/23/99	PCT					Y
	B94	WO 00/68376	11/16/00	PCT					Y
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ATTORNEY DOCKET NO.: MERCK-2056

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CONF. NO.: 2626

FILING DATE: November 9, 2000 GROUP: 1647

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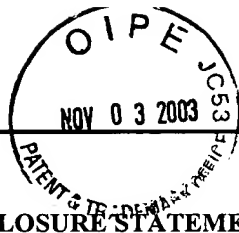
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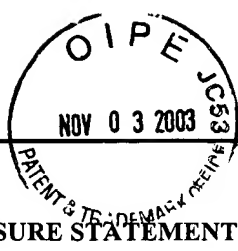
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